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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,395	10/15/2003	Qinghao Yang	13987B CEB:lcr	2100

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EXAMINER

FIDEI, DAVID

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,395	YANG, QINGHAO	
	Examiner	Art Unit	
	David T. Fidei	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 7 and 14-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, page 9, line 6, said boxy body has no antecedent basis. In claim 8, said polygonal coupling blocks has no antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al (Patent no. 4,011,940) in view of Doerfler et al (Pub. no. US 2002/0117507 A1). Neal et al discloses a display box having a box body defining a plurality of compartments by interior surface 14 and assemblies 24, 26 adapted to accommodate tool accessories in as much as is claimed. A fastening device adapted to fixedly secure the cover the box body is disclosed as a through hole 28 and a male fastening end 70 provided at the cover part 18, see figure 1. The difference between the claimed subject matter and Neal et al resides in the through hole having a plurality of crevices.

Doerfler et al figure 13 discloses a fastening device where the female part comprises a through hole with a plurality of crevices. It would have been obvious to one of ordinary skill in the art to modify Neal et al by constructing the through hole with a plurality of crevices as taught by Doerfler et al, so that material around aperture 52 deflects during engagement or disengagement, see paragraph [0038] of Doerfler et al.

5. Claim 1-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (Patent no. 6,415,923) in view of Neal et al (Patent no. 4,011,940) and Doerfler et al (Pub. no. US 2002/0117507 A1). Chen discloses a display box having a box body 10 defining a plurality of compartments adapted to accommodate tool accessories and a cover 20 adapted to cover the box body 10. As to claims 2, 9 and 10, the cover has a handle hole 24 disposed relative to a tool handle seat 17 adapted to receive a part of the tool being rested in the tool handle seat as is known in the art, see figures 2 and 3. The difference between the claimed subject matter and Chen resides in a fastening device adapted to fixedly secure the cover the box body.

Neal et al discloses a display box a fastening device adapted to fixedly secure the cover the box body is disclosed as a through hole 28 and a conical male fastening end 70 provided with a back end stop 71 and located at the cover part 18, see figure 1. It would have been obvious to one of ordinary skill in the art to modify Chen by constructing a fastening device such as that disclosed by Neal et al, in order to provide a secure locking arrangement to keep the cover in the closed position. It would have also been obvious to one of ordinary skill in the art to modify Neal et al by constructing the through hole with a plurality of crevices as taught by Doerfler et al, so that material around aperture 52 deflects during engagement or disengagement, see paragraph [0038] of Doerfler et al.

As to claims 3 and 11, a collar is defined by ear portions 72 of Neal et al that is extended around the periphery of the head 70 and spaced a distance approximately equal to the length of the axial hole, see figure 4.

As to claims 4 and 12, Neal et al discloses the container molded of plastic, see col. 6, line 58. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any kind of plastic material known, such as transparent plastic, since it has been held to be within the general skill of a worker in the art to select a known material as a matter of obvious design choice, see § M.P.E.P. 2144.06.

As to claims 5 and 13, a tool bit receptacle is disclosed by Chen that is pivotally fastened with an inside wall 100 and turnable in an out of the box.

6. Claim 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budert in view of Neal et al (Patent no. 6,547,077) and Doerfler et al (Pub. no. US 2002/0117507 A1). Budert discloses a display box having a box body 2 defining a plurality of compartments adapted to accommodate tool accessories and a cover 3 adapted to cover the box body 2. As to claims 1, 5 and 6, a tool bit receptacle is disclosed by Budert that is pivotally turnable in an out of the box that includes an oblique wall 15. The difference between the claimed subject matter and Budert resides in a fastening device adapted to fixedly secure the cover the box body.

Neal et al discloses a display box a fastening device adapted to fixedly secure the cover the box body is disclosed as a through hole 28 and a conical male fastening end 70 provided with a back end stop 71 and located at the cover part 18, see figure 1. It would have been obvious to one of ordinary skill in the art to modify Chen by constructing a fastening device such as that disclosed by Neal et al, in order to provide a secure locking arrangement to keep the cover in the closed position. It would have also been obvious to one of ordinary skill in the art to modify Neal et al by constructing the through hole with a plurality of crevices as taught by Doerfler et al, so that material around aperture 52 deflects during engagement or disengagement, see paragraph [0038] of Doerfler et al.

Allowable Subject Matter

7. Claims 7 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


8. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fidei whose telephone number is (571) 272-4553. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David T. Fidei
Primary Examiner
Art Unit 3728

dtf
September 23, 2004